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10 UNITED STATES DISTRICT COURT  
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12 NORTHERN DISTRICT OF CALIFORNIA  
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14 In re UTSTARCOM, INC. SECURITIES ) Master File No. C-04-4908-JW(PVT)  
15 LITIGATION )  
16 \_\_\_\_\_ )  
17 This Document Relates To: )  
18 ALL ACTIONS. )  
19 \_\_\_\_\_ )  
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1 WHEREAS, on October 26, 2005, the Court issued an Order Granting Lead Plaintiff's *Ex  
2 Parte* Application to Stay Briefing on Motions to Dismiss ("October 26, 2005 Order");

3 WHEREAS, pursuant to the October 26, 2005 Order, the Court vacated the briefing schedule  
4 and stayed all briefing on the superseded First Amended Complaint, but did not vacate the case  
5 management conference, currently scheduled for January 9, 2006;

6 WHEREAS, pursuant to the October 26, 2005 Order, plaintiffs filed a Motion for Leave to  
7 File the Second Amended Complaint ("Motion for Leave") with attached thereto plaintiffs'  
8 [Proposed] Second Amended Consolidated Complaint for Violation of the Federal Securities Laws  
9 on November 23, 2005;

10 WHEREAS, plaintiffs' Motion for Leave is currently scheduled for a hearing on February  
11 13, 2006;

12 WHEREAS, the parties have met and conferred on these scheduling matters, and believe that  
13 a case management conference at this stage of the case would be premature because of the pending  
14 Motion for Leave;

15 NOW, THEREFORE, IT IS HEREBY STIPULATED, pursuant to Civil L. R. 16-2(e), Civil  
16 L. R. 7-12 and subject to the Court's approval, that:

17 The Case Management Conference, scheduled for January 9, 2006, is vacated. The Court  
18 shall set a case management conference after a ruling on the Motion for Leave has been issued, or as  
19 it deems appropriate.

20 PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

21 \* \* \*

22 **O R D E R**

23 IT IS SO ORDERED.

24 DATED: 12/28/05

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THE HONORABLE JAMES WARE  
UNITED STATES DISTRICT JUDGE

1 DATED: December 22, 2005

LERACH COUGHLIN STOIA GELLER  
RUDMAN & ROBBINS LLP  
KIMBERLY EPSTEIN  
SHIRLEY H. HUANG  
SYLVIA SUM

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/S/

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14 Lead Counsel for Plaintiffs

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I, Shirley H. Huang, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order Vacating January 9, 2006 Case Management Conference. In compliance with General Order 45, X.B., I hereby attest that Ronit Setton have concurred in this filing.

DATED: December 22, 2005

CADWALADER, WICKERSHAH & TAFT  
LLP  
GREGORY A. MARKEL  
RONIT SETTON

/S/

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RONIT SETTON

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27

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I, Shirley H. Huang, am the ECF User whose ID and password are being used to file this

Stipulation and [Proposed] Order Vacating January 9, 2006 Case Management Conference. In

1 compliance with General Order 45, X.B., I hereby attest that Robert A. Sacks have concurred in this  
2 filing.

3 DATED: December 22, 2005

4 SULLIVAN & CROMWELL LLP  
5 ROBERT A. SACKS

6 \_\_\_\_\_/S/  
7 ROBERT A. SACKS

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10 Telephone: 310/712-6000  
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12 I, Shirley H. Huang, am the ECF User whose ID and password are being used to file this  
13 Stipulation and [Proposed] Order Vacating January 9, 2006 Case Management Conference. In  
14 compliance with General Order 45, X.B., I hereby attest that Terry T. Johnson have concurred in this  
15 filing.

16 DATED: December 22, 2005

17 WILSON SONSINI GOODRICH & ROSATI,  
18 P.C.  
19 BORIS FELDMAN  
20 TERRY T. JOHNSON  
21 BAHRAM SEYEDIN-NOOR

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23 TERRY T. JOHNSON

24 650 Page Mill Road  
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DECLARATION OF SERVICE BY FACSIMILE

I, the undersigned, declare:

3       1.     That declarant is and was, at all times herein mentioned, a citizen of the United States  
4 and employed in the City and County of San Francisco, over the age of 18 years, and not a party to  
5 or interested party in the within action; that declarant's business address is 100 Pine Street,  
6 Suite 2600, San Francisco, California 94111.

7       2.      That on December 22, 2005, declarant served by facsimile the **STIPULATION AND**  
8 **[PROPOSED] ORDER VACATING JANUARY 9, 2006 CASE MANAGEMENT**  
9 **CONFERENCE** to the parties listed on the attached Service List.

10           3.       That there is a regular communication by facsimile between the place of origin and  
11 the places so addressed.

12 I declare under penalty of perjury that the foregoing is true and correct. Executed this 22nd  
13 day of December, 2005, at San Francisco, California.

/S/

UTSTARCOM 04 (CA) (LEAD)

Service List - 12/22/2005 (04-0558C)

Page 1 of 1

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